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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,211	11/18/2003	Barry Appelman	06975-455001	2240
26171	7590	02/03/2010		
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER WALSH, JOHN B	
			ART UNIT 2451	PAPER NUMBER
			NOTIFICATION DATE 02/03/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No. 10/715,211	Applicant(s) APPELMAN ET AL.	
	Examiner John B. Walsh	Art Unit 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE of 1/4/10.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-21,38-44,60-63,65-69,71-83,86-88 and 99-108 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 3, 5-21, 38-44, 60-63, 65-69, 71-83 and 86-88, 99-108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/4/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites “the trait information” of claim 60. It is unclear if the applicant is referring to the trait information of the user or the other users. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 5, 6, 8-12, 14, 18-20, 38, 41, 42, 60-62, 65-68, 72, 73, 77, 81-83, 86, 99, 100, 102, 103 and 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,425,012 to Trovato et al. in view of U.S. Patent No. 7,035,926 to Cohen et al.

Trovato et al. '012 disclose:

As concerns claims 60, 77, 81, 86, 99 and 108 determining the online context of a user (fig. 4, 420-context and user profile; col. 2, lines 5-15); determining an online context of other users (fig. 4, 420-context and user profile); storing trait information for the user (fig. 4, 420-

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context and user profile; col. 3, lines 50-60); storing trait information for the other users (fig. 4, 420-context and user profile; col. 3, lines 50-60); comparing the online context of the user to the online context of the other users (fig. 4, 440, 450) and the stored trait information for the other users (fig. 4, 440, 450; col. 4, lines 10-20); based on the comparison, identifying a group of the other users sharing the online context of the user and at least one trait/relationship with the user (fig. 4, 450, 460, 470), the number of users in the group of the other users being less than the number of the other users; and causing the presentation, to the user, of an indicator (user interface-displays chat room group) that identifies at least one user as a member of the group of the other users sharing the online context of the user and the at least one trait with the user.

As concerns claims 8 and 61, an age of the users (col. 3, line 35).

As concerns claims 9 and 62, a demographic (col. 2, line 9-locale; col. 3, line 36-gender).

As concerns claims 10, 68 and 82, an expertise rating (col. 3, line 36-education level).

As concerns claims 11 and 66, an interest (col. 2, line 10).

As concerns claims 12 and 14, a participation status (col. 3, Table 1- Role).

As concerns claims 66 and 67, the trait information comprises an interest (col. 2, line 10).

As concerns claim 18, storing other information (col. 3, lines 34-38).

As concerns claim 19, identification of a user (col. 6, lines 15-20).

As concerns claims 20 and 83, online identifier (col. 6, lines 15-20).

As concerns claims 38, enabling the user to communicate with the other users (col. 3, lines 1-10).

As concerns claim 41, a voice communication (col. 3, line 4-audio).

As concerns claim 42, a mobile device (col. 6, lines 26-30; telephone, laptop, palmtop).

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As concerns claims 65, trait information (col. 2, line 10).

As concerns claims 72 and 73, a location (col. 2, line 9-locale).

Trovato et al. '012 does not disclose wherein the online context being one or more of a web site currently accessed by the user, an Internet domain currently accessed by the user, a newsgroup currently accessed by the user, or a URL currently accessed by the user. Trovato et al. '012 does teach displaying the current TV or radio, or media (col. 2, lines 5-15; col. 3, lines 25-38; col. 6, lines 35-40). This falls within the scope of applicant's invention of an online context as disclosed at page 7, lines 25-30 of applicant's specification wherein the online context can include a television channel.

Cohen et al. '926 teach determining an online context being a website currently accessed (col. 1, lines 25-30-people awareness, other users currently online, document awareness-viewing same online place; col. 1, lines 35-40-keep track of users at particular webpage).

As concerns claims 2 and 100, the online context comprises an Internet domain (webpage inherently has a domain).

As concerns claims 5 and 102, the online context comprises a URL (webpage inherently has a URL).

As concerns claims 6 and 103, the online context on which a users are presently focused (Cohen: col. 1, lines 25-30-people awareness, other users currently online, document awareness-viewing same online place; col. 1, lines 35-40-keep track of users at particular webpage).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the system of Trovato et al. '012 with an online context being a website currently accessed, as taught by Cohen et al. '926, in order to enable users to communicate and

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interact about online web-based content they are currently visiting. Such a modification is a combination of known elements.

5. Claims 2, 5-21, 38-44, 60-63, 65-69, 71-77, 81-83, 87, 88, 99, 100 and 102-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,401,098 to Baker in view of U.S. Patent No. 7,035,926 to Cohen et al.

Baker '098 disclose:

As concerns claims 60, 77, 81, 99 and 108 determining an online context of a user (col. 8, lines 46-48; col. 9, lines 15-20); determining an online context of the other users (col. 8, lines 46-48); storing trait information for the user (col. 3, line 63-col. 4, line 12); storing trait information for the other users (col. 3, line 63-col. 4, line 12); comparing the online context of the user to the online context of the other users and the stored trait information for the user to the stored trait information for the other users (fig. 3; col. 7, lines 2-12); based on the comparison, identifying a group of the other users sharing the online context (fig. 3) of the user and at least one trait with the user (fig. 3), the number of users in the group of the other users being less than the number of the other users (col. 4, lines 25-30); and causing presentation to the user of an indicator that identifies at least one user as a member of the group of the other users sharing the online context of the user and the at least one trait with the user (fig. 3; col. 4, lines 55-60-page and display logged in to chat).

As concerns claims 6 and 103, determining where the user is presently focused (col. 8, lines 46-48-chat room by topic).

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As concerns claims 7 and 104, identifying group of users sharing context and the at least one trait (fig. 3) and identifying users who enter and leave (fig. 3; col. 4, lines 55-60-page and display logged in to chat).

As concerns claims 8 and 61, an age of the users (fig. 3; 124).

As concerns claims 9 and 62, a demographic (122).

As concerns claims 10, 68 and 82, an expertise rating (fig. 3,120; fig. 2, IQ).

As concerns claims 11 and 66, an interest (fig. 2, party).

As concerns claims 12, 13 and 14, a participation status comprises a visibility preference (fig. 2, status).

As concerns claims 15 and 67, trait information of an associate (fig. 3, trait info of "friends/buddys").

As concerns claims 16 and 17, an online status (fig. 2, status) of active ("I'm available").

As concerns claim 18, storing other information (col. 12, lines 5-15).

As concerns claim 19, identification of a user (fig. 3, name, 118).

As concerns claim 20, online identifier (fig. 3, name, 118).

As concerns claim 21, contact information (online id can be used to contact user; also associated with an email address for notifications).

As concerns claims 38, 39 and 105, an instant message (chat).

As concerns claim 40, send an email (fig. 5, 262).

As concerns claim 41, a voice communication (col. 14, line 29; fig. 8).

As concerns claim 42, a mobile device (fig. 8).

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As concerns claims 43 and 107, a contact list (fig. 2, 118; fig. 2, friends button under area 104).

As concerns claim 44, a buddy list (fig. 2, 118; fig. 2, friends button under area 104).

As concerns claims 63, 83 and 106, presentation to the user of the number of users (fig. 3).

As concerns claims 65, trait information (fig. 3).

As concerns claims 69 and 87, presentation graphically (fig. 3).

As concerns claim 71, sorted by trait information (col. 11, lines 5-10-compatible based on trait info; col. 11, lines 25-35).

As concerns claims 72 and 73, a location (fig. 3; 126).

As concerns claims 74 and 75, repeating the method (col. 10, line 30-update info, therefore repeatable; col. 11, line 16).

As concerns claim 76, a changed online context (col. 10, line 30-update info; col. 11, line 16).

As concerns claim 88, a subgroup (grouped based on additional traits; col. 12, lines 10-15).

Baker '098 do not explicitly disclose the online context being one or more of a website currently accessed by the user, an Internet domain currently accessed by the user, a newsgroup currently accessed by the user or a URL currently accessed by the user.

Cohen et al. '926 teach determining an online context being a website currently accessed (col. 1, lines 25-30-people awareness, other users currently online, document awareness-viewing same online place; col. 1, lines 35-40-keep track of users at particular webpage).

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As concerns claims 2 and 100, the online context comprises an Internet domain (webpage inherently has a domain).

As concerns claims 5 and 102, the online context comprises a URL (webpage inherently has a URL).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the system of Baker '098 with an online context being a website currently accessed, as taught by Cohen et al. '926, in order to enable users to communicate and interact about online web-based content they are currently visiting. As concerns claims 2 and 100, the online context comprises an Internet domain (webpage inherently has a domain).

6. Claims 3 and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,425,012 to Trovato et al. and of U.S. Patent No. 7,035,926 to Cohen et al. as applied above in view of U.S. Patent No. 6,594,673 to Smith et al.

Trovato et al. '012 as modified does not disclose wherein the online context being a newsgroup currently accessed by the user. Trovato et al. '012 does teach displaying the current TV or radio, or media (col. 2, lines 5-15; col. 3, lines 25-38; col. 6, lines 35-40). This falls within the scope of applicant's invention of an online context as disclosed at page 7, lines 25-30 of applicant's specification wherein the online context can include a television channel.

Smith et al. '673 teach monitoring a currently accessed newsgroup (col. 2, lines 10-55; relationships between collaborative information).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the system of Trovato et al. '012 as modified with the online context being a

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newsgroup currently accessed, as taught by Smith et al. '673, in order to enable users to communicate and interact about specific online media content they are currently visiting. Such a modification is a combination of known elements yielding predictable results.

7. Claims 3 and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,401,098 to Baker and of U.S. Patent No. 7,035,926 to Cohen et al. as applied above in view of U.S. Patent No. 6,594,673 to Smith et al.

Baker '098 as modified does not explicitly disclose a newsgroup.

Smith et al. '673 teach monitoring a currently accessed newsgroup (col. 2, lines 10-55; relationships between collaborative information).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the system of as modified with the online context being a newsgroup currently accessed, as taught by Smith et al. '673, in order to enable users to communicate and interact about specific online media content they are currently visiting. Such a modification is a combination of known elements yielding predictable results.

8. Claims 78-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,425,012 to Trovato et al. and of U.S. Patent No. 7,035,926 to Cohen et al. as applied above in view of U.S. Patent Application Publication 2002/0059526 to Dillon et al.

Trovato et al. '012 as modified do not explicitly disclose the conditions for the users store.

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As concerns claim 78, the store is migrated based on activity level (abstract-stored for use at a later time when user desires on storage media 90).

As concerns claim 79, the users store is divided based on activity level (divided between news server and storage media).

As concerns claim 80, the users store is combined with a related users store based on activity level (information stored on news server for users to obtain when desired).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the system of Trovato et al. '012 as modified with storage conditions, as taught by Dillon et al. '526, in order to provide a distributed storage system. Such a modification is a combination of known elements yielding predictable results.

9. Claims 78-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,401,098 to Baker and of U.S. Patent No. 7,035,926 to Cohen et al. as applied above in view of U.S. Patent Application Publication 2002/0059526 to Dillon et al.

Baker '098 as modified does not explicitly disclose the conditions for the users store.

As concerns claim 78, the store is migrated based on activity level (abstract-stored for use at a later time when user desires on storage media 90).

As concerns claim 79, the users store is divided based on activity level (divided between news server and storage media).

As concerns claim 80, the users store is combined with a related users store based on activity level (information stored on news server for users to obtain when desired).

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It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the system of Baker '098 as modified with storage conditions, as taught by Dillon et al. '526, in order to provide a distributed storage system. Such a modification is a combination of known elements yielding predictable results.

Allowable Subject Matter

10. The indicated allowability of claims 2, 3, 5-21, 38-44, 60-63, 65-69, 71-83 and 86-88 is withdrawn in view of the newly discovered reference(s) to Trovato et al. '012, Dillon et al. '526, Smith et al. '673 and Cohen et al. '926. Rejections based on the newly cited reference(s) are found above.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 8:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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/John B. Walsh/
Primary Examiner, Art Unit 2451